

SHUTE, MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

HEATHER M. MINNER  
Attorney  
minner@smwlaw.com

September 30, 2014

*Via E-mail and U.S. Mail*

Harry Freitas, Director  
Department of Planning, Building and  
Code Enforcement  
City of San Jose, Planning Division  
200 E. Santa Clara Street  
Tower, 3rd Floor  
San Jose, CA 95113  
E-mail: Harry.freitas@sanjoseca.gov

Re: Request to Extend Public Comment Period: Initial Study/Negative  
Declaration for Samaritan Court Medical Office. Project File Nos.:  
PDC14-008 and PD14-013

Dear Director Freitas:

Our firm represents a group of citizens in the Lost Oaks Drive/National Avenue neighborhood concerned with the potential impacts of the proposed Samaritan Court Medical Office Project. On September 24, 2014, the City released a 254-page Initial Study/Negative Declaration, including two expert reports, for the Project. The City has set a 20-day public review period for the Initial Study ending on October 14, 2014 and a Planning Commission hearing to consider the Project is currently scheduled for October 22, 2014. In order to allow for meaningful public review and comment on the Initial Study for this controversial Project we respectfully request that the City reschedule consideration of the Project to the November 5, 2014 Planning Commission meeting and extend the public comment period accordingly to October 28, 2014.

A longer public review period is both authorized and warranted pursuant to the CEQA guidelines. The Guidelines provide that the review period for a proposed negative declaration "shall be not less than 20 days." 14 C.C.R. §1505(b). In other words, 20 days is the *minimum* review period allowed by CEQA and additional time is warranted when doing so facilitates the purpose of public review. These purposes

Harry Freitas  
September 30, 2014  
Page 2

include sharing expertise, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals. *Id.* §15200. Here, additional time is required to fulfill these purposes given recent modifications to the project, the release of expert reports and the length of the Initial Study. In addition, our client just yesterday received requested documents regarding the details of the Project.

Public review and comment on environmental review documents is an “essential” part of the CEQA process. *Id.* § 15291. In enacting CEQA, the Legislature stated that public agencies should provide for “wide public involvement . . . in order to receive and evaluate public reactions.” *Id.* In order to provide for meaningful review of the Initial Study/Negative Declaration for the Samaritan Court Medical Office Project we respectfully request that the City extend the public review period an additional 14 days to October 28, 2014.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Heather M. Minner

cc: John Davidson, john.davidson@sanjoseca.gov  
Rebekah Ross, rebekah.ross@sanjoseca.gov